

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Alfredo Cesar-Ramirez,

Defendant.

NO. CR 12-2079-FRZ-DTF

ORDER

This matter was referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B) and the local rules of practice of this Court for hearing and report and recommendation on Defendant's Motion to Suppress Statements [Doc 28].

On April 18, 2013, Magistrate Judge Ferraro conducted a hearing and on April 23, 2013 issued his Report and Recommendation [Doc 49]. A copy was sent to all parties. On May 7, 2013, Defendant filed his Objection [Doc. 59] to the Report and Recommendation.

The Court, having held a hearing on May 17, 2013 and made an independent review of the record herein, orders as follows:

IT IS ORDERED that Magistrate Judge Ferraro's Report and Recommendation is accepted in part and rejected in part. The Report and Recommendation is accepted in part to the extent the Court finds that the first two questions asked of Defendant were within the scope of a *Terry* stop and the answers to those initial two questions are therefore admissible at trial. However, as to the second set of questions asked of Defendant, the Court finds that they were not within the scope of a *Terry* stop, the Government failed to

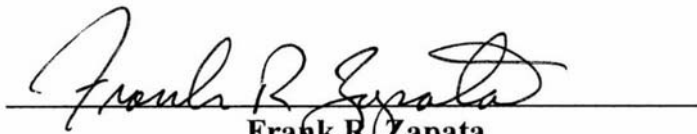
1 inform Defendant of his *Miranda* rights, and his answers to the second set of questions
2 are inadmissible at trial. The Report and Recommendation is rejected to the extent it is
3 inconsistent with this Court's conclusion as to the second set of questions.¹

4 Accordingly, IT IS ORDERED as follows:

5 (1) The Motion to Suppress Statements is granted in part and denied in part.

6 (2) The Report and Recommendation is accepted in part and rejected in part.

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8 DATED this 17th day of May, 2013.

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11 Frank R. Zapata
12 Senior United States District Judge
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27 ¹As the parties reached a stipulation as to the third set of questions, the Court need
28 not address that issue.